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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,806	04/08/2000	Wen-Syan Li	073303.0105	2221

7590 05/13/2004
David A Blumenthal
Foley & Lardner
2029 Century Park East
Suite 3500
Los Angeles, CA 90067-3021

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 05/13/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/545,806

Applicant(s)

LI ET AL.

Examiner

Quang N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6, 17, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) 3, 5, 7, 18, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Detail Action

1. This Office Action is in response to the Amendment and Reply Under 37 CFR 1.111 filed on 03/30/2004. The finality of the previous Office Action dated on 10/07/2003 is vacated. Claims 1, 8-11, 16 and 23-26 are cancelled. Claims 12-15 and 27-31 are withdrawn. Claims 2-7 and 17-22 remain for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2, 4, 6, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemitsu (US 6,499,051).**

4. As to claims 2 and 4, Kanemitsu teaches an information transmission method and system comprising:

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a server (*an information providing center 1*) configured for communicating with requestors (*clients/vehicles or information communication systems 2*) over at least one communication network (Kanemitsu, Fig. 2, C3: L47-67, C4: L1-14 and C8: L23-27);

wherein if a first request from a first requestor for a plurality of objects (*when a search request from a client/vehicle or an information communication system 2*) is received, the server is programmed for scheduling delivery of the plurality of objects in ascending order of object size (*Kanemitsu teaches the requested data is retrieved, temporarily stored, arranged and transmitted in an ascending order of data amount, i.e., the data with the smallest amount is given the first priority for transmittance as a response*) (Kanemitsu, C4: L58-67 and C5: L1-19).

Kanemitsu does not explicitly teach if a second request from a second requestor for one or more objects is received prior to or during the delivery of one or more objects from the first request, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size.

However, Kanemitsu does teach the information communication method providing service to more than one vehicles (Kanemitsu, C8: L23-28) and regardless of the order of the search requests, (*i.e., given a reasonable interpretation as a second request from a second requestor/client/vehicle received prior to or during the processing of the first request*) or the order of search results obtained by searching databases, all retrieved data is temporarily stored, arranged so that data with the smallest amount is first transmitted (*i.e., given a reasonable interpretation as any whole or partial*

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undelivered objects scheduled for delivery in ascending order of object size), i.e., the data is transmitted in ascending order of object size, not in the order of readout/retrieval, or temporary storage for transmittance. (Kanemitsu, C2: L51-61, C4: L58-67, C5: L1-19 and C6: L28-49).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Kanemitsu to include a second request from a second requestor (*i.e., from a second client/vehicle*) for one or more objects is received prior to or during the delivery of one or more objects from the first request and to schedule the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. ***In re St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.**

5. Claim 6 is a corresponding claim of claim 4; therefore, it is rejected under the same rationale, wherein a user (*now obviously can be read as information providing center 1*) configured for communicating with servers (*read as external database 222 possessed by another database server 200*) over at least one communication network; and

if the user (*information providing center 1*) receives a plurality of objects for delivery to a Web browser (*of information communication system 2*), the user is programmed for scheduling the delivery of whole and partial undelivered objects in ascending order of object size (Kanemitsu, Fig. 2, C2: L51-61);

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6. Claims 17, 19 and 21 are corresponding method claims of claims 2, 4 and 6; therefore, they are rejected under the same rationale.

Allowable Subject Matter

7. Claims 3, 5, 7, 18, 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. In the remarks, applicant argued in substance that

(A) Prior Art does not teach or suggest "wherein if a second request from a second requestor for one or more objects is received prior to the delivery of one or more objects from the first request, the server is programmed for scheduling the delivery of the objects in the second request and undelivered objects in the first request in ascending order of object size".

As to point (A), **Kenner** teaches an information transmission method for an information providing center (a server) to transmit a response to clients' requests (*requestors*) regardless of the order of the search requests (*can be given a reasonable interpretation as two or more requests for information from one or more clients/vehicles because the information providing center, i.e., server does provide services and a variety of information to more than one clients/vehicles, or information communication systems*) (**Kenner**, C8: L24-28).

Kenner also teaches regardless of the order of the search requests, (*i.e., given a reasonable interpretation as a second request from a second requestor/client/vehicle received prior to or during the processing of the first request*) or the order of search results obtained by searching databases, all retrieved data is temporarily stored, arranged so that data with the smallest amount is first transmitted (*i.e., given a reasonable interpretation as any whole or partial undelivered objects scheduled for delivery in ascending order of object size*), i.e., the data is transmitted in ascending order of object size, not in the order of readout/retrieval, or temporary storage for transmittance. (Kanemitsu, C2: L51-61, C4: L58-67, C5: L1-19 and C6: L28-49).

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9. Applicant's arguments as well as request for reconsideration filed on 03/30/2004 have been fully considered but they are not deemed to be persuasive.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER